

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

JAMES OLIVAREZ, §
§
V. § **A-16-CV-122-SS**
§
CAROLYN W. COLVIN, §
ACTING COMMISSIONER OF THE §
SOCIAL SECURITY ADMINISTRATION. §

ORDER

Before the Court is Plaintiff's Application to Proceed *In Forma Pauperis* (Dkt. No. 1-1). The District Court referred the Motion to the undersigned Magistrate Judge for a determination pursuant to 28 U.S.C. §636(b) and Rule 1(c) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Local Rules for the Assignment of Duties to United States Magistrate Judges.

After reviewing Plaintiff's Application, the Court finds that he is indigent. Accordingly, the Court **HEREBY GRANTS** Plaintiff *in forma pauperis* status and **ORDERS** his Complaint be filed without pre-payment of fees or costs or giving security therefor pursuant to 28 U.S.C. § 1915(a)(1). The Court **FURTHER ORDERS** the Clerk to issue summons in this case and **ORDERS** the United States Marshals Service to attempt service in this case without pre-payment of a service fee.

Because Plaintiff has been granted leave to proceed *in forma pauperis*, the Court is required by standing order to review the Complaint under §1915(e)(2). After reviewing Plaintiff's Complaint, the Court has determined that this case should not be dismissed as frivolous at this time. The Court cautions Plaintiff that the Court may make a determination in the future that the action should be dismissed because the allegation of poverty is untrue or the action is frivolous or malicious pursuant to 28 U.S.C. § 1915(e). Plaintiff is further advised that, although he has been granted leave

to proceed *in forma pauperis*, the Court may, in its discretion, impose costs of court against him at the conclusion of this lawsuit, as in other cases. *See Moore v. McDonald*, 30 F.3d 616, 621 (5th Cir. 1994).

SIGNED this 2 day of March, 2016.



ANDREW W. AUSTIN
UNITED STATES MAGISTRATE JUDGE